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SECRETARY

PRESS RELEASE

HEALTH AND HUMAN SERVICES AGENCY

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SCHWARZENEGGER ADMINISTRATION VINDICATED; JUDGE DROPS CONTEMPT CHARGES

SACRAMENTO – Sacramento County Superior Court Judge Judy Holzer Hersher today vacated the hearing for possible contempt charges in an ongoing legal dispute over the Department of Health Service's efforts to keep patients safe and maintain access to care. Health and Human Services Secretary Kim Belshé today released the following statement after today's favorable court announcement.

"We are pleased Judge Hersher recognized this Administration in no way willfully disobeyed her ruling. The court acted prematurely by considering the nurses' union's hastily filed motion without considering all the facts.

"The nurses' union's call for contempt was frivolous and unfounded. The court acknowledges our reason for re-adopting emergency regulations was to preserve our basic legal right to appeal."

"The Department of Health Services' actions relating to nursing staffing are legally solid and protect patient care. The lawsuit filed by the nurses' union cuts to the heart of government's ability to implement regulations, emergency or otherwise. Throughout this process, we have remained confident that the state acted within its full authority to protect patient safety and ensure access to care."

BACKGROUND

- Legislation enacted in 1999 required the Department of Health Services (DHS) to set "specific numeric ratios" for nurse-to-patient minimum staffing levels for specified units of acute care hospitals. Not only did the legislation authorize DHS to set the specific numeric ratios, earlier versions of the bill called for 1:6 ratios.
- In August 2003, DHS adopted regulations setting an initial minimum staffing level, rapidly lowering the nurse-to-patient staffing levels in 2005 and again in 2008. These enriched staffing levels would have required an additional 4,310 nurses.
- Committed to protecting patient safety, DHS implemented regulations setting initial ratios at 1:6 for medical/surgical and mixed units on January 1, 2004.
- The fragility of California's health care system, coupled with a statewide nursing shortage, demanded a cautious approach in the implementation of the ratios. Therefore, DHS issued emergency regulations in November 2004 to maintain the minimum staffing level at 1:6 to ensure patient safety and access to care, rather than move the ratio to lower levels.

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